REMARKS

The Official Action of 7 September 2007 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The claims have been amended to render them more definite without narrowing the scope thereof. The amendments to the claims are respectfully believed to remove the basis for the rejection under 35 USC 112, second paragraph, appearing on page 3 of the Official Action. The reference in the claim to Fig. 3 is proper where, as here, there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim. See MPEP 2173.05(s).

Claims 1-4, 20 and 28 stand rejected under 35 USC 103(a) as allegedly being unpatentable over EP 335627 in combination with JP 402019321. Applicants respectfully traverse this rejection.

The claimed invention is based at least in part upon Applicants' discovery that the claimed fraction or active molecule of formula I enhances the bioavailability of a drug. All of the claims presently under examination recite that the claimed fraction or active molecule is present in the claimed composition in an amount effective to enhance the pharmaceutical effect of the active drug or nutraceutical in the claimed composition.

In contrast, neither of the cited references shows or suggests that the disclosed fraction or active molecule enhances the bioavailability of any drug. Thus, even assuming for the sake of argument that there would have been a motivation or reason to combine the cited references, the combination would not show or suggest the claimed amount.

Although the Examiner contends that determining result effective amounts of the ingredients in the cited references comprises mere routine optimization, neither reference teaches that the amount of the recited fraction in the claimed composition is a result-effective variable for improving the bioavailability of a drug. This being the case, the determination of the claimed amount could not have been obvious. See MPEP 2144.05 ("A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation.").

With particular respect to new claim 57, Applicants respectfully note that neither reference shows or suggests the claimed fraction having the characteristics as shown in Fig. 3, and neither provides any motivation or reason for selecting the claimed fraction from among a huge number of other possible fractions that may be obtained from *Cuminum cyminum*. Claim 57 is additionally patentable for this reason.

With respect to the double patenting rejection over US Patent 7,070,814, Applicants respectfully note that none of the claims of the patent recite the

claimed fraction with characteristics as defined in Fig. 3 and comprising 3',5-dihydroxy flavone-7-O-D-galacturonide-4'-O-D-gucopyranoside. Accordingly, Applicants respectfully submit that the present claims would not have been obvious from the claims of the cited patent. Applicants respectfully traverse the rejection on this basis.

In view of the above, Applicants respectfully submit that all rejections and objections have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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